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TAGS: [PREL](#) [KISL](#) [KAWL](#) [PTER](#) [EON](#)

SUBJECT: JHA MINISTERS TASK COREPER AMBASSADORS TO PREPARE  
GUANTANAMO DETAINEE INFORMATION-SHARING ARRANGEMENT

REF: A. BRUSSELS 0502

[B](#). BRUSSELS 0495

Classified By: POLITICAL MINISTER COUNSELOR CHRIS DAVIS  
FOR REASONS IN SECTIONS 1.4 B AND D

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TASKING OF COREPER AMBASSADORS  
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[1](#)1. (U) At their April 6 Council meeting in Luxembourg, European Union (EU) Justice and Home Affairs (JHA) Ministers agreed to work towards an "EU response" to U.S. requests in Washington and at the Prague Summit for help in closing Guantanamo. They tasked EU Ambassadors in the Committee of Permanent Representatives (COREPER) to prepare an information-sharing arrangement to ensure widest dissemination of information on detainees accepted by individual Member States on a "case by case basis" and "within the exclusive competence" of hosting states. They cautioned that Member States would assess "independently of the U.S." the risk of receiving particular detainees based on information and intelligence received. Ministers concluded that "closure of Guantanamo would allow both sides to pave the way for strengthening cooperation on counter-terrorism and justice and home affairs in the future."

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COUNCIL CONCLUSIONS ON GUANTANAMO  
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[1](#)2. (U) The JHA Ministers issued the following written set of conclusions on Guantanamo:

(BEGIN TEXT)

Ministers of Interior of the Mixed Committee exchanged views on the issue of Guantanamo. At the end, the (Czech) Presidency summed up the debate along the following lines:

(Czech Interior) Minister Langer and Commissioner Barrot reported to ministers on their successful trip to Washington. The U.S. provided information to the EU and, on this basis, work can be taken forward.

At the EU-U.S. Summit in Prague on 5 April, President Obama asked for EU assistance to the closure of Guantanamo in the form of a(n) EU supportive framework for resettling former detainees.

Ministers agreed to work towards a(n) EU response to the closure of Guantanamo.

Decisions to accept detainees would be taken on a case by case basis and within the exclusive competence of the hosting Member State. The Member States will assess independently of the U.S. the risk of receiving a particular detainee based inter alia on comprehensive information and intelligence received from the U.S.

As a result of Schengen rules, a decision to accept a former detainee by one Member State would be relevant for other Member States.

Therefore consultation and information sharing between Member States is needed. Iceland, Norway and Switzerland should be associated. For the first time, Ministers had a discussion with Schengen partners on this issue.

Ministers tasked the EU Committee of Permanent Representatives (COREPER) to present a proposal on a EU framework that would allow member states to accept detainees. COREPER will also consider other opened questions such as a possible Memorandum of Understanding with the US on the closure of Guantanamo.

The closure of Guantanamo and the EU assistance would allow both sides to pave the way for strengthening cooperation on counter-terrorism and justice and home affairs in the future."

(END TEXT)

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COREPER MEETINGS  
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¶3. (C/NF) EU Counter-Terrorism Coordinator Gilles de Kerchove, who attended the Minister's April 6 JHA Council luncheon, will play a key role in preparing a draft document for COREPER. (See Ref A for insights into de Kerchove's thinking on information sharing.) Mission will attempt to obtain a read out of the COREPER meetings from de Kerchove.

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MEMBER STATES PUBLICLY SAY "YES" AND "NO"  
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¶4. (C/NF) Before and after the JHA Council meeting, leaders from several Member States indicated publicly whether their countries would accept detainees. French President Sarkozy said France would accept one detainee originally from Algeria. In contrast, the Czech Republic and Austria said their nations would not accept detainees. (COMMENT: Despite the "no" responses, we do not anticipate that these countries would block EU consensus on allowing individual Member States to accept detainees, assuming they agree on the ultimate information-sharing arrangement. END COMMENT).

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COMMENT  
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¶5. (C/NF) Information sharing represented a major area of interest for de Kerchove and Council Transatlantic Relations Officer Christiane Hoehn when Mission Officers presented U.S. responses to EU questions (Ref A). Tasking by Ministers of EU Ambassadors to develop information-sharing arrangements demonstrates emerging consensus towards a positive common position, despite public assertions by a few Ministers that they will not accept detainees. Such assertions come as no surprise; we anticipate only a minority of Member States will actually accept detainees. Recently, France publicly indicated it would do so. It is unlikely that EU Ministers would block consensus. END COMMENT.

MURRAY